

**BEST AVAILABLE COPY**Docket No. JIL06  
US App. No. 10/761,989**REMARKS****Status of the Application**

Claims 1-5 were previously pending. Claims 1-2 were objected to for informalities. Claims 2-3 were rejected under 35 USC 112, second paragraph. Claims 1, 3, and 5 were rejected under 35 USC 102(b) as being anticipated by Shattan (US 5,422,797). Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Shattan as applied to claims 1, 3, 5 and in view of Naum (US 5,579,429). Claim 4 was rejected for being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of its base claim. The specification and the drawings were objected to for informalities.

Applicant has amended claims 1-3, and 5, added new claims 6-11, and canceled claim 4. Applicant has also amended the specification to address the Examiner's objection. No new matter adds through the amendments. For the reasons discussed below, withdrawal of the rejections/objections is requested.

**Objections to the Specification and the Drawings**

The specification was objected to for informalities.

Applicant has amended the specification to cure the informalities indicated in the Office Action.

The drawings were objected to for containing reference number 32 that is not mentioned in the disclosure.

Applicant has amended the specification to add reference number 32.

Withdrawal of the objection is requested.

**Claim Objections**

Claims 1 and 2 were objected to for informalities.

Applicant has amended claims 1 and 2 to cure the informalities indicated in the Office Action.

Withdrawal of the objection is requested.

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Claims 2 and 3 were rejected under 35 USC 112, second paragraph.

Applicant has amended claims 2 and 3 to provide proper antecedent bases for the terms "plastic optical fiber" and "said illuminating structure".

Withdrawal of the rejection is requested.

**Claim Rejections- 35 U.S.C. 102(b)**

Claims 1, 3, and 5 were rejected under 35 USC 102(b) as being anticipated by Shattan (US 5,422,797).

However, the Office Action indicated that claim 4 contains allowable subject matter.

Applicant has amended claim 1 to include the content of claim 4. Therefore, the amended claim 1 is allowable. And the rejection is moot.

**Claim Rejections- 35 U.S.C. 103(a)**

Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Shattan as applied to claims 1, 3, 5 and in view of Naum (US 5,579,429).

Claim 2 depends on claim 1. Claim 1 as amended is patentable over Shattan and Naum. For at least the same reasons, claim 2 is also patentable over Shattan and Naum.

**New Claims**

New claims 6-10 have been added to more fully protect the invention.

Independent claim 6 recites that "each of said plastic optical fiber bundles is disposed at the bottom of a corresponding one of said branch stands and coupled with a corresponding one of said illuminating structures". None of the cited references teaches or suggests such features. Shattan's illuminated artificial tree has only one light source 24 (See Fig. 9). In fact, Shattan specifically teaches that "the fiber optic elements must be of such a length as to extend to the container 6 and be exposed thereat to a light source 24 disposed therein". Col. 5, lines 62-65.

Independent claim 9 recites a plurality of branch bases formed on a main stand and that "each of said branch stands is adjustably attached to a corresponding one of said

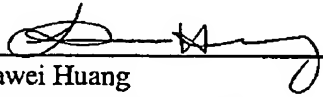
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branch bases". None of the cited references teaches or suggests such features. Shattan's illuminated artificial tree has a core 20 forming the trunk of the tree. Col. 5, lines 49-50 and Fig. 7. Shattan does not teach or even remotely suggest branch bases formed on the core 20, let alone adjustably attaching branch stands (17) to the branch bases.

For at least the reasons discussed above, claims 6 and 9 as well as their dependent claims 7-8 and 10 are patentable over the cited references.

**Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the remaining claims 1-3 and 5-11 are now in condition for allowance. Allowance of this application is earnestly solicited.

Respectively submitted  
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